

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DALE PINCHOT : CIVIL ACTION  
: :  
v. : :  
: : No. 09-5082  
CHUBB INDEMNITY INS. CO. : :

**ORDER**

AND NOW, this 10<sup>th</sup> day of March, 2011, "Plaintiff's Motion To Vacate Appraisal Award of September 8, 2010" (doc. no. 23) is denied, and the appraisal award is confirmed. Rulings are deferred on defendant's requests in its brief (doc. no. 31) for dismissal of the complaint and for sanctions against plaintiff under Federal Rule of Civil Procedure 11. The parties may make further submissions on both subjects by Friday, April 15, 2011. Defendant's request in its brief for dismissal of the complaint will be regarded as a Rule 12(b)(6) motion, which may be converted into a Rule 56 motion if matters outside the pleadings are considered. Fed. R. Civ. P. 12(b)(6), 12(d), 56.

BY THE COURT:

/s/ Edmund V. Ludwig  
Edmund V. Ludwig, J.